IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Attorney Docket № 14214US02)

In the Application of: Martin Lund	
Serial No. 10/665,648	Electronically Filed on 28-OCT-2008
Filed: September 19, 2003	
For: METHOD AND SYSTEM TO PROVIDE BLADE SERVER LOAD BALANCING USING SPARE LINK BANDWIDTH	
Examiner: Man U. Phan Group Art Unit: 2619 Confirmation No. 6075)))

REQUEST TO WITHDRAW FROM APPEAL

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Since the Examiner has re-opened prosecution of the above-identified application, pursuant to the 10/24/2008 Notice of Panel Decision from Pre-appeal Brief Review ("Decision"), the Applicant would like to withdraw from consideration the Appeal Brief filed on 10/24/2008.

Since the pre-appeal conference was substantially delayed beyond the 45-day period recommended by the USPTO guidelines (the pre-appeal brief conference request was filed on 3/24/08), the Applicant was not notified in a timely manner of the Decision. Consequently, in order to avoid abandonment, the Applicant filed an Appeal

Application. No. 10/665,648

Brief (with a request for a five-month extension) on the five-month due date, 10/24/2008. Since the Decision reopens prosecution and makes the Appeal Brief moot, the Applicant hereby requests withdrawal of the Appeal Brief filed on 10/24/2008. A petition for a full refund of the Appeal Brief fee as well as the five-month extension fee is being concurrently filed.

Date: October 28, 2008

/ Frankie W. Wong /

Frankie W. Wong Registration No. 61,832 Patent Agent for Applicant

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